

FILED  
U.S. DISTRICT COURT  
W.D.N.Y. BUFFALO

-PS-O-

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ORLANDO ALVAREZ, 04A4420,

Plaintiff,

-v-

05-CV-0827HKS

**ORDER**

GLENN S. GOORD, DOCS Commissioner;  
CANFIELD WESLEY, Doctor;  
WILLIAM J. HUPKINS, Deputy  
Superintendent for Administrative  
Services; and  
LESTER N. WRIGHT, M.D., Deputy  
Commissioner Chief Medical Officer;  
Being sued individually and in  
their official capacities;

Defendants.

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Plaintiff, who is incarcerated in the Elmira Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has requested appointment of counsel. Plaintiff has met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

There is insufficient information before the Court at this time to make the necessary assessment of plaintiff's claims under the standards promulgated by Hendricks v. Coughlin, 114 F.3d 390, 392 (2d Cir. 1997), and Hodge v. Police Officers, 802 F.2d 58 (2d Cir. 1986), as issue has yet to be joined. Therefore plaintiff's

motion for appointment of counsel is denied without prejudice at this time. 28 U.S.C. § 1654.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

**SO ORDERED.**

S/ Michael A. Telesca

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MICHAEL A. TELESKA  
United States District Judge

Dated: March 8, 2006  
Rochester, New York